

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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ESTATE OF DEMETRIUS L. STEPHENSON,  
*By Special Administrator Richard Coad,*

Plaintiff,

v.

Case No. 22-C-956

CALUMET COUNTY, et al.,

Defendants.

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**ORDER GRANTING IN PART PLAINTIFF'S MOTION TO COMPEL**

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This matter comes before the court on Plaintiff's motion to compel Advanced Correctional Healthcare (ACH) to produce a witness to answer ACH 30(b)(6) discussion topics. The court conducted a lengthy hearing on the matter and, for the reasons set forth on the record, Plaintiff's motion is **GRANTED** in part.

**IT IS THEREFORE ORDERED** that Defendant ACH is required to produce a witness prepared to testify as to topics 11–14 and 20 as set forth in the Amended Notice of Taking ACH FRCP 30(b)(6) Deposition, Dkt. No. 210-7. As to topic 21, the court withholds ruling but directs counsel for ACH to confer more fully with their client and Plaintiff to determine what information can be produced without unreasonable burden to address Plaintiff's topic. As to the remaining topics at issue, the court directs the parties to confer with one another in an attempt to resolve their dispute.

The court finds that Defendant ACH's failure to prepare a 30(b)(6) witness to testify as to topics 11–14 and 20–21 was not substantially justified. ACH contends that counsel did not have sufficient time to prepare the witness, but at the same time contends Plaintiff is not entitled to the information sought. For the reasons set forth, the court is satisfied the information sought was relevant and not unduly burdensome to provide. If more time had been requested, it is clear that Plaintiff was willing to provide it. The motion to compel was filed because ACH took the position that it was not discoverable. Under these circumstances, an award of attorney fees and cost is appropriate. Accordingly, under Federal Rule of Civil Procedure 37(a)(5), the court awards Plaintiff 75% of the attorney fees and costs attributed to this motion.

**SO ORDERED** at Green Bay, Wisconsin this 12th day of August, 2024.

s/ William C. Griesbach  
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William C. Griesbach  
United States District Judge